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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,132

Applicant(s)

WISCHINSKI, RAINER H

Examiner

Thomas K Pham

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2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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Notice to Applicant(s)

1. Claims 1-7 of U.S. Application 09/578132 filed on 5/24/2000 are presented for examination.
2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Neeson et al U.S. Patent No. 5,786,998 (hereinafter Neeson).

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6. As for claim 1, Neeson shows a system for providing technical support for remote automation or control devices, comprising: a device identifier (35) (col. 8 lines 25-30), for determining components of pre-determined automation or control devices indicated in a device database (33) (col. 9 lines 32-36) by periodically querying the devices to have each device indicate its component hardware, software, and firmware, the device identifier for providing the device database (33) with component identifications for the pre-determined devices (col. 9 lines 36-46 and col.12 lines 57-60); and a device configuration manager (36) (col. 19 lines 49-53), responsive to the component identifications in the device database (33), and further responsive to available device components in a database (34) of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components (col. 19 lines 53-67).

7. As for claim 2, Neeson shows the system of claim 1, further comprising: a system diagnostics manager (32), responsive to the component identifications in the device database (33), and further responsive to diagnostics information in a database (31) of end user system diagnostics, for providing device status queries, and for updating the database (31) of end user system diagnostics based on responses to the device status queries (col. 18 line 56 to col. 19 line 30).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeson in view of Ogushi et al U.S. Publication 2002/0029086 (hereinafter Ogushi).

10. As for claim 3, Neeson does not specifically show a system as in claim 1, wherein the components of pre-determined automation or control devices are programmable logic controllers. However, Ogushi shows a system as in claim 1, wherein the components of pre-determined automation or control devices are programmable logic controllers (page 2 paragraph 31 and 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ogushi with Neeson because it would provide for controlling the components with a programmable controller in order to manage the automation process dynamically and effectively.

11. As for claim 5, Neeson does not specifically show a system as in claim 1, further comprising a general technical information database, for providing general technical information about products organized by topic, and further wherein the general technical information made about a topic, thereby providing feedback on the usability of products. However, Ogushi shows a system as in claim 1, further comprising a general technical information database, for providing general technical information about products organized by topic, and further wherein the general technical information made about a topic, thereby providing feedback on the usability of products (page 3 paragraph 48-49 and page 4 paragraph 54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ogushi with Neeson because it would provide for making the general technical information or the history of past

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maintenance information of the device available to the users in order for them to have a better understanding about the stability of equipment.

12. As for claim 6, Neeson and Ogushi do not specifically show a system as in claim 5, wherein the record of requests for information made about a topic includes an identification of the requester. However, Ogushi discloses a requester access the information about a topic through the Internet (e.g. page 3 paragraph 48), therefore, it is known in the art that an Internet audit log file could be extract for monitoring purposes. It would have been obvious for one of ordinary skill in the art at the time the invention was made to track the number of hits and identify a requester with an Internet audit log to further gain useful feedback information such as which devices are difficult to use and who might have the most difficulty with them.

13. As for claim 7, Neeson does not specifically show a system as in claim 1, wherein the device identifier queries the devices via the Internet. However, Ogushi shows a system grasp the operating states of the devices via the Internet (e.g. page 2 paragraph 25 of Ogushi). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ogushi with Neeson because it would provide for communicating over the Internet between the host and client so it will not be relied only to a closed network such as a LAN or WAN.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeson in view of Ogushi and further in view of Babu et al. U.S. Patent No. 6,122,639 (hereinafter Babu). Neeson and Ogushi do not expressly show a system as in claim 1, wherein the device identifier communicates with the components of pre-determined automation or control devices via a

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wireless access protocol. However, Babu shows a system wherein the device identifier communicates with the components of pre-determined automation or control devices via a wireless access protocol (col. 22 lines 6-20). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Babu with Neeson and Ogushi because it would provide for communicating via wireless access protocol as to widen the communication interface in conjunction with the Internet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John Follansbee*, can be reached on (703) 305-8498 or via e-mail addressed to [*joh.follansbee@uspto.gov*]. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thomas.pham@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas K. Pham
Patent Examiner

tp
February 25, 2003

Ramesh Patel
RAMESH PATEL 2/25/03
PRIMARY EXAMINER
For John Follansbee